

MINUTES OF THE REGULAR NORWALK CITY COUNCIL MEETING ON 6-04-15  
(abridged for publication)

Mayor Phillips called the City Council meeting to order at 6:02 p.m. Present at roll call: Erika Isley, Kyle Jackson, Tom Greteman and Jaki Livingston. Absent: Eric Delker. (RC = roll call vote)

Mayor Phillips noted that the council is requesting discussion only for proposed food truck ordinance, no action.

15-092 Jackson moved, Isley seconded to approve the **agenda** as amended. Voice vote carried unanimously.

15-093 Isley moved, Livingston seconded to approve **minutes** of May 21<sup>st</sup> regular council meeting. Voice vote carried unanimously.

Consent included **tax abatement** applications; **street closures** for Lakewood Days on June 20, and the parade, fireworks display and park activities on July 4; **block parties** at 600 block of Tangelo Circle on July 11, and 1300 block of Hunter Drive on June 13; and **expenditures**:

A+ LAWN	EQUIPMENT	187.63	KOCH BROTHERS	COPIER CONTRACT	6,399.49
ACME ELECTRIC	EQUIPMENT	86.62	KUEHL, NANCY	REIM SUPP	24.34
ACQUIRE MAGAZINE	ADVERTISING	475.00	LASER RESOURCES	MAINT COPIER	500.05
AIA CORPORATION	CLOTHING ALLOW	53.75	LEHMER, GARY	WATER CERT	60.00
ALEX LANDGREBE	REIMBURSE	25.00	MCCLURE ENG	NCIS IMPROVE	10,400.00
ALL IOWA POOL	CHEMICALS	446.89	MEDIACOM	TELECOM	157.40
BARCO MUNICIPAL	BARRICADES	664.61	MENARDS	SUPPLIES	133.15
BARRACUDA	SPAM FIREWALL	499.00	MWA	LARGE ITEM	0.00
BEDWELL GARDENS	SUPPLIES	4,008.50	MICHELLE KOPP	REFUND	46.00
CAPITAL SANITARY	SUPPLIES	692.47	MIKE MYERS	NUISANCE	720.00
CONCENTRA MED	TESTING	82.00	MPS ENGINEERS PC	ENG HOLLY DR	439,673.68
CONTROLLED ACCESS	SERVICE CALL	205.08	NORTH WARREN	ORD 1503	193.69
DEBBIE WHITE	REFUND	25.00	NORWALK SCHOOLS	SHARED SERV	25,000.00
DELAGE LANDEN	LEASE AGREEMENT	527.02	NORWALK FIRE DEPT	CPR CARDS	70.00
DORSEY & WHITNEY	LEGAL SERVICES	0.00	PEPSI-COLA	CONCESSIONS	1,020.90
ELECTRIC PUMP	EQUIPMENT	350.00	PITNEY BOWES	LEASE	735.00
EMILY STEVENS	REFUND	39.50	ROCK N ROLLOF	30 YD DUMPSTER	348.00
FED EX	MAILING	5.63	SETH ZRUCKY	IDNR CERT	120.00
HEARTLAND TECH	LIBRARY WIRELESS	994.00	SHIVE HATTERY INC	CEDAR STREET	5,150.61
ILLINOIS FIRE STORE	C IMPROVEMENTS	1,421.18	SPRINGER PEST	PEST CONTROL	68.00
INDIANOLA FIRE DEPT	BILLING	1,995.00	STANDRIDGE	LOGO	204.00
INDOFF INC	SUPPLIES	312.33	DES MOINES REGISTER	SUBSCRIPTION	31.00
IA DEPT OF PUB SAFETY	ONLINE WARRANTS	1,391.52	TK CONCRETE	WAKONDA DR	81,393.85
IOWA DNR FORESTRY	TREES	414.80	UNITY POINT	HEARING TESTS	242.80
IOWA ONE CALL	ONE CALL LOCATES	496.10	UTILITY EQUIP	SUPPLIES	223.00
JAMES OIL CO	DIESEL	7,338.00	V&K	NW AREA SEWER	18,614.02
JENNIFER MILLARD	REFUND	25.00	VOORHEES TAEK	TAEKWONDO	483.00
JEREMY BAKER	REIM/TRNG	9.54	WARREN WATER	7986 S ORILLA	1,428.00
JUSTIN VOS	REFUND	25.00	WINNERS CIRCLE	PLAQUE	40.00
KABEL BUS	HRA	3,685.21			

15-094 Livingston moved, Greteman seconded to approve consent, RC passed unanimously.

15-095 Jackson moved, Isley seconded to adopt **Resolution No. 0604-15-049** approving an engineering agreement for the Center Street 2015 distribution system upgrades, RC passed unanimously.

15-096 Livingston moved, Greteman seconded to table the proposed ordinance related to **outdoor consumption** of alcoholic beverages, RC passed unanimously.

15-097 Motion by Livingston, seconded by Greteman to pass the first, of three, readings of the proposed ordinance amending Chapter 160 Residential Code of the Code of Ordinances for the City of Norwalk, Iowa, by adopting the **2012 International Residential Code with amendments**, RC passed unanimously.

15-098 Motion by Greteman, seconded by Jackson to table the resolution adopting a **change order policy**, RC passed unanimously.

15-099 Motion by Jackson, seconded by Greteman to approve **Resolution No. 0604-15-050** adopting National Interoperability Channels as set forth by Polk County Joint E911 Service Board and appointing representatives of the board, RC passed unanimously.

15-100 Motion by Isley, seconded by Jackson to pass the second, of three, readings of proposed ordinance amending the **Dobson Planned Unit Development**, RC passed unanimously.

15-101 Motion by Livingston, seconded by Greteman to waive the 3<sup>rd</sup>, and final, reading of **Ordinance 15-05** amending the Dobson Planned Unit Development, RC passed unanimously.

15-102 Jackson moved, Livingston seconded to **adjourn** meeting at 7:32 p.m. Voice vote carried unanimously.

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Tom Phillips, Mayor

Attest:

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Jodi Eddleman, City Clerk

MINUTES OF THE REGULAR NORWALK CITY COUNCIL MEETING ON 6-04-15  
(unabridged version)

Mayor Phillips called the City Council meeting to order at 6:02 p.m. Present at roll call: Erika Isley, Kyle Jackson, Tom Greteman and Jaki Livingston. Absent: Eric Delker. (RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, City Clerk; Tim Hoskins, Public Works Director; Jonathan Lund, Fire Captain; Nancy Kuehl, Parks and Recreation Director; Holly Sealine, Library Director; Greg Staples, Police Chief; Wade Wagoner, Planning and Economic Development Director and Luke Parris, City Planner.

Mayor Phillips noted that staff is requesting discussion only for the proposed food truck ordinance so, the action portion of the agenda item is stricken.

15-092 Jackson moved, Isley seconded to approve the **agenda** as amended. Voice vote carried unanimously.

**Presentation(s)**  
There were none.

**Welcome of Guests and Public Comment**  
Dave Hixenbaugh, 4903 Lakewood Drive, voiced concerns over large pot hole on Ponderosa and asked the Public Works department to take a look at it and repair it. He added that Public Works did a great job of patching the corner last year.

Joe Villines, 2218 Avery Avenue, is committee chair of the Community Cares community garden project. He thinks it is a good plan to allow chickens and does not believe neighbors should have to be petitioned for permission. He thinks it is a public health issue and aids in children's education. Producing your own food on your own property reconnects people with their roots and their families. It helps kids understand where food comes from. Neighborhood covenants should govern backyard chickens, not an ordinance. He is happy to share research he has with council and staff.

15-093 Isley moved, Livingston seconded to approve **minutes** of May 21<sup>st</sup> regular council meeting. Voice vote carried unanimously.

Consent included **tax abatement** applications; **street closures** for Lakewood Days on June 20, and the parade, fireworks display and park activities on July 4; **block parties** at 600 block of Tangelo Circle on July 11 and 1300 block of Hunter Drive on June 13; and **expenditures**:

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KABEL BUS	HRA	3,685.21			

15-094 Livingston moved, Greteman seconded to approve **consent** agenda, RC passed unanimously.

### **Engineering Agreement Cedar Street 2015 Distribution System Upgrades**

Hoskins stated this resolution would enter the city into an engineering agreement with Veenstra & Kimm (V&K) for water system upgrades (Cedar Street 2015 distribution system upgrades) and would assist the proposed development on the site of the old high school. There are a number of lines on the south side of town that are made from a subpar material identified as "transite" and are too small, limiting the ability to provide adequate fire protection. Upgrading these lines will assist with water flow in this area.

Greteman asked if the city had an engineer on staff, would that person be reviewing these upgrades. Hoskins responded probably not, that would require a significant amount of support staff. Greteman asked how the city manages what is under the general agreement versus projects. Hoskins said the scope of services for the city engineer is primarily for review of plats and submittals and development issues like that. It is also to give advice on issues that come up that involve engineering. It does not address specific projects. It was very clear in the agreement that V & K does not have to provide all of the engineering services for the city. For example, a different engineer has been contracted for the Cedar Street Extension.

Livingston asked if there is a conflict with V&K designing public infrastructure and then giving advice on the development that occurs there. It seems like they are reviewing their own work. Jackson stated that they are not reviewing for the developer they are reviewing for the city.

Greteman would like to know what we are paying for engineering. Jackson said that under the general agreement, we pay them by the hour. We do not pay them a certain amount each month; there is no retainer type relationship.

Hoskins said it does not put us in the position of conflict because when they review a plat, that is entirely independent of work they do for the city. Livingston understands that but this property will eventually be platted. Hoskins said that is true, but V&K is not doing any work on the site; they are only doing the public infrastructure leading to the site.

Greteman stated that the city should consider having an engineer on staff who could review plats and documents. Hoskins said if the city hired an engineer to do that work it would be more expensive than outsourcing it. The city would also have to hire support staff including surveyors and extra equipment would be needed. A number of communities will make that jump when their population reaches around 15,000 to 18,000. Greteman would not want a city engineer to do this project, but an engineer on staff who just reviewed plats and documents from other engineers, for development purposes.

Oliver responded that staff will provide information regarding the amounts paid to V&K on all of the different projects, including those charges that are passed through to developers for development review. Jackson agreed that it is a good idea to review engineering fees.

Isley asked if any of the residents will be assessed for this project and Hoskins said no.

15-095 Jackson moved, Isley seconded to adopt **Resolution No. 0604-15-049** approving an engineering agreement with V & K in an amount not to exceed \$54,900 for the Center Street 2015 distribution system upgrades, RC passed unanimously.

### **Outdoor Consumption of Alcoholic Beverages**

Chief Staples presented to the council. There is an establishment within city limits where the patrons are drinking in the parking lot. Council directed staff to draft an ordinance. The city looked at the state codes; the code did not prevent that activity. The city could also lobby legislators to change the law.

Staples indicated that the city would be the first in the state to adopt this type of ordinance. The police department is working with the business owner to keep people away from the road.

Staples said the draft is considering all types of establishments. In developing the ordinance, staff tried to take into consideration all types of future establishments. Livingston asked for examples of what "special events with appropriate permits" that was noted in the ordinance meant. Staples said an example would be a wedding reception that would have a permit for a particular day or a special event with a short-term Alcoholic Beverages Division license, or Party Before the Works.

Greteman asked if the ordinance would apply to Lakewood Days and Staples said that is different because there are no alcohol sales.

Greteman said the city could petition the legislature to change the law however, alcohol laws are the providence of the state and the state legislature. Greteman mentioned that it is possible a business could open in the next six months and they would be precluded from doing what they want because of this ordinance.

Livingston asked if the proprietor could enforce the limits where alcohol can be. Dougherty said that the city could enforce on the individual who potentially could wander into the right-of-way.

Staples said he has spoken with the proprietor who does not want people drinking in the parking lot. Jackson said when their license comes up for renewal; council can consider the history and check for any violations. Livingston said council can look at the proprietor's response to any incidents that occurred.

Dougherty recommends finding out exactly where the right-of-way and problem area begin and end. It would be a good idea to send a city official out to advise the property owner where that line is.

Lou Lane, 2407 North Avenue, suggested the city send a letter stating that the city would issue a ticket to any patron drinking outside and that the business should establish a beer garden on the side of the building. Phillips said after the conversation with the Chief, the property owner has added some fencing back there.

Staples said the more we can do to keep people away from the street, the better. The owner has already taken some steps to try to address it.

Isley said she appreciates Staples' work on this. Staples is hopeful that the business across the street in West Des Moines and the Norwalk business do not have cross pollination. Isley said she does not think that the property owner has severely restricted the flow of people and asked Staples to look at it again.

15-096 Livingston moved, Greteman seconded to **table** the proposed ordinance related to outdoor consumption of alcoholic beverages, RC passed unanimously.

### **Food Trucks Discussion**

The city is considering an ordinance that would address the issue of food trucks within the city limits. Currently the city has a code section that addresses door to door peddlers and transient merchants. The city requires a small bond to be paid when the license is issued by the police department.

Dougherty believes the city will see more food trucks in town, as the trucks become more popular and bleed over from neighboring cities.

Greteman asked if staff had looked at the City of Des Moines ordinance. Dougherty said that what has been drafted is similar to the Des Moines' ordinance. Greteman believes there should be a differentiation between selling prepared/packaged food and freshly made food. He would also like charities or public institutions to be exempt. He believes that the food trucks should not be allowed in residential areas or within a certain perimeter of a restaurant.

Jackson suggested looking at West Des Moines ordinance or other suburbs instead of Des Moines'.

Lou Lane, 2407 North Avenue, said "residential" and "commercial" are gray areas. There are so many businesses that are run out of homes.

Livingston said that special events would need to be considered. Isley said there do need to be parameters. She wants to promote businesses, but not end up with a traveling truck stop. The city should be mindful of existing businesses.

Council directed staff to identify and define the difference between mobile food vendors such as Schwans and the ice-cream truck and food vendors who would set up in designated areas.

### **International Residential Code with Amendments**

Captain John Lund, addressed the council. This ordinance is intended to clarify what counts towards the square footage when calculating totals to be included for determining whether a townhouse is required to have sprinklers.

Many suburbs have adopted residential sprinkler ordinances based on their staffing levels. Greteman asked if this same ordinance exists throughout the metro. Lund said yes, to varying degrees. Greteman asked if 8,000 square feet is fairly standard. Lund said in the northern suburbs it is 6,000 square feet and in Des Moines it is 18,000 square feet.

Jackson confirmed that the city has already adopted an 8,000 square feet requirement and is now amending ordinance to clarifying how square footage is measured. Oliver said that is correct.

Dougherty stated that it should be clear the ordinance revision states the entire building, but it should further state that the definition be inclusive of the building that houses all of the townhouses, not just an individual townhouse.

Greteman directed staff that the revision should be made before passing the second reading of the ordinance.

15-097 Motion by Livingston, seconded by Greteman to pass the **first, of three, readings** of the proposed ordinance amending Chapter 160 Residential Code of the Code of Ordinances for the City of Norwalk, Iowa, adopting the 2012 International Residential Code with amendments, RC passed unanimously.

#### **Change Order Policy**

Hoskins said the city could be faced with a potential threat to a project whenever a change order request would need to be made quickly on larger construction projects. Isley asked for the definition of "imminent" and "time sensitive." Livingston asked for the definition of "capital projects" and "staff."

Hoskins said this is just a process for staff to go through. If there were a request, the change order application would go through each step and be ratified by the council at the following meeting.

Isley would like "larger capital projects" better defined. Jackson supports the idea, but would like some redrafting with specific numbers in it.

15-098 Motion by Greteman, seconded by Jackson to **table** the proposed resolution adopting a change order policy, RC passed unanimously.

#### **Joint E911 Service Board**

Lund indicated that this is a resolution effectively ratifying practices already in place. This would have Chief Huston be the main designee to the Polk County E911 board and Chief Staples as the alternate.

15-099 Motion by Jackson, seconded by Greteman approving **Resolution No. 0604-15-050** adopting National Interoperability Channels as set forth by Polk County Joint E911 Service Board and appointing representatives of the board, RC passed unanimously.

#### **Dobson Planned Unit Development**

Phillips noted this was removed from the consent agenda because of a slight change that excluded some uses from the C2 district.

15-100 Motion by Isley, seconded by Jackson to pass the **second, of three, readings** of proposed ordinance amending the Dobson Planned Unit Development, RC passed unanimously.

15-101 Motion by Livingston, seconded by Greteman to waive the 3<sup>rd</sup>, and final, reading of **Ordinance 15-05** amending the Dobson Planned Unit Development, RC passed unanimously.

#### **Library Roof Funding Discussion**

Greteman asked if there are any alternatives to fund this other than a storm water loan to the library. Oliver explained there is currently a short-term loan for the ambulance that will roll off of debt service levy after the current fiscal year and the city could effectively do the same thing for the library. That would be Option 1.

Option 2 would be an internal loan from storm water that would simply be paid back by the general fund instead of by the library.

Greteman asked if a General Obligation bond was an option and Oliver said yes. She explained that she did not offer that as a preferred option because of the costs associated with issuance and for such a small amount, it is not very cost-effective.

Isley is not in favor of forgiving \$200,000. Greteman is personally in favor of the library not having to pay for its own roof. It is a city building.

Livingston asked if council would go with Option 1, the bottom line is that it does not come out of the library budget for the next 20 years; the city does not put them in any worse position but the general fund does not receive any relief. Oliver said that is correct.

Isley said the library has full powers on how the library money is spent and should have managed that better.

Greteman stated that the library board did not build the building; it is a city building, built under a general obligation bond. The city paid that out of debt service levy. Greteman believes the city would not make the police department pay a bond form the police budget.

Jackson stated that there is a difference between the operation and the capital. It was never preferential to do it this way. Staff has developed a way of fixing it without taking money from the general fund.

Sealine said they have raised \$8,400 towards replacing the roof. Isley said replacing the roof should be a priority this year, but so is the pool and the fire department and so on. Greteman said there is potential for significant damage to the building.

Isley asked if Greteman would accept Option 1 but fund only half the amount. Livingston stated that she would not. Livingston would like to direct staff to come back with a resolution of necessity. The Council will have an opportunity for further discussion and the public will have an opportunity to speak.

Oliver suggested we would also need to revisit the Library's budget then and Livingston said yes.

Greteman asked to bring the statement of necessity forward. Oliver said she will add it to a future Council agenda.

**NCIS project**

Hoskins said the construction on Holly has slowed down significantly in part because of the weather and in part because of the proximity of the depth of the service line.

Happy Hollow sidewalks are nearing completion, with the exception for the relocation of fire hydrants and a utility box.

**Reports**

Staples said the Police Association is sponsoring food at Lunch in the Park at City Park this summer. He is approximately half finished with the Cops grant application. A new Officer was hired on Monday and he will bring her in during the next meeting. She is scheduled to start the academy on August 24<sup>th</sup>.

Kuehl said that one of three pools opened today. It maintained throughout the day. Staff drained down the plunge pool and put in new hydrostatic valves. She will update council to let them know if it is a control or probe that is bad. She needs a new pool. There is a large tournament this weekend at the sports complex, involving 320 teams at 10 different sites in the metro area.

Sealine thanked Council for the support on the roof project.

Greteman would like an update on the Welcome to Norwalk sign.

Livingston said the Superstars recital is this weekend.

Mayor Phillips mentioned that Community Chat is this Saturday, June 6<sup>th</sup>, and the Soap Box Derby is Saturday, June 13<sup>th</sup>.

Hoskins said we plan to rip out and replace a section of Ponderosa but need to wait for the NCIS work on Wakonda to be further along to not mess up anyone's commute.

15-102 Jackson moved, Livingston seconded to **adjourn** meeting at 7:32 p.m. Voice vote carried unanimously.

Attest:

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Tom Phillips, Mayor

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Jodi Eddleman, City Clerk